

RESOLUTION NO. A-_____

USE PERMIT NO. 132A

1 WHEREAS, Livingston Investment, Inc. has submitted an application in
2 accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use
3 Permit No. 132A for authority to eliminate the restriction on the hours of operation on
4 Lot 1, Willowbrook, to allow a sit-down type restaurant which operates 24 hours a day,
5 on property generally located southeast of 70th Street and Highway 2, and legally
6 described to wit:

7 Lots 1-6 and Outlots A and B, Willowbrook Addition, Lincoln,
8 Lancaster County, Nebraska;
9

10 WHEREAS, the real property adjacent to the area included within the site
11 plan for this amendment to the commercial development to eliminate the restricted
12 hours will not be adversely affected; and

13 WHEREAS, said site plan together with the terms and conditions
14 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln
15 Municipal Code to promote the public health, safety, and general welfare.

16 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
17 Lincoln, Nebraska:

18 That the application of Livingston Investment, Inc., hereinafter referred to
19 as "Permittee", to eliminate the restriction on the hours of operation on Lot 1,
20 Willowbrook, to allow a sit-down type restaurant which operates 24 hours a day, on the
21 property legally described above, be and the same is hereby granted under the
22 provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that

1 construction and operation of said development be in strict compliance with said
2 application, the site plan, and the following additional express terms, conditions, and
3 requirements:

4 1. This permit approves a revision of the site plan to show Note C
5 amended to read: The hours of operation of the shopping center shall only be allowed
6 between 5:00 a.m. to 12:00 midnight, except for those users located upon Lot 1, which
7 are permitted to operate 24 hours per day.

8 2. Before receiving building permits:

9 a. The Permittee must submit a revised and reproducible final
10 plan with six copies to the Planning Department.

11 b. The construction plans must conform to the approved plans.

12 c. Final plats within the area of this Use Permit must be
13 approved by the City.

14 3. Before occupying the buildings all development and construction
15 must be completed in conformance with the approved plans.

16 4. All privately-owned improvements must be permanently maintained
17 by the owner or an appropriately established owners association approved by the City
18 Attorney.

19 5. The site plan approved by this permit shall be the basis for all
20 interpretations of setbacks, yards, locations of buildings, location of parking and
21 circulation elements, and similar matters.

22 6. The terms, conditions, and requirements of this resolution shall be
23 binding and obligatory upon the Permittee, its successors and assigns. The building

1 official shall report violations to the City Council which may revoke this use permit or
2 take such other action as may be necessary to gain compliance.

3 7. The Permittee shall sign and return the City's letter of acceptance
4 to the City Clerk within 30 days following approval of this use permit, provided, however,
5 said 30-day period may be extended up to six months by administrative amendment.
6 The City Clerk shall file a copy of the resolution approving this use permit and the letter
7 of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by
8 the Permittee.

9 8. The site plan as approved with this resolution voids and
10 supersedes all previously approved site plans, however, all resolutions approving
11 previous permits remain in force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor